

Action, the Examiner remarks on Applicants' June 14, 2004 Amendment, and in particular, the feature of independent claims 3, 6, and 9 reciting a translation instructing banner.

The Examiner submits that in response to Applicants' argument that the prior art does not teach a translation instructing banner, it is noted that Furst teaches showing subscription related information on a display (citing column 10, lines 26-28). Furthermore, the Examiner explains that Furst teaches displaying said information in a rectangular window (citing Fig. 1). The Examiner notes that a banner is a generally square or rectangular boxes provided with some combination of graphics, color and text. Displaying information in a rectangular window in Furst, as argued by the Examiner, obviously indicates displaying said information in a banner-type window. As such, the Examiner concludes that information as to the specific content of displayed information is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. The Examiner refers to *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); and *In re Dembicza*k 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999). The Examiner states that the specific example of non-functional descriptive material is provided in MPEP 2106, Section VI: (example 3) a process that differs from the prior art only with respect to non-functional descriptive material that cannot alter how the process steps are to be performed.

Applicants respectfully traverse this argument. First, Applicants disagree that the recitation is nonfunctional descriptive material. The Examiner will note that the claim recites "a translation instructing banner *including conversion implementing request information*." The Examiner has not addressed, nor would the general disclosure of a rectangular window suggest

this feature. Further, the Examiner will note in the same citation of MPEP 2106, that Office Personnel should be prudent in applying this type of rejection since other functional and structural interrelationships may exist. The Examiner will kindly note that the independent claims also include a feature of “conversion of the displayed contents in accordance with an instruction *through the translation instructing banner ...*” Thus, the claim also provides an interrelationship feature as discussed in MPEP 2106. Both of these instances quite clearly show that the Examiner’s basis for rejection of the claims is improper. In addition, the rectangular window of Furst would not suggest these features.

Applicants also maintain their arguments from the June 14, 2004 Amendment that the Examiner’s obviousness rejection is based on improper hindsight.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.116
U.S. Application No. 09/880,045

Atty. Docket No. Q64919

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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